

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

JAIMEE UNDERWOOD)
)
v.) NO. 3:04-0680
) JUDGE CAMPBELL
JAMES FITZGERALD, et al.)

ORDER

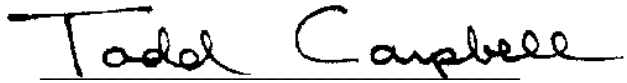
Pending before the Court are Plaintiff's Motion for Partial Summary Judgment, Expenses and Attorneys Fees (Docket No. 106) and Plaintiff's Motion to Strike Continental's Response to Statement of Undisputed Facts and to Accept the Facts Stated as Undisputed (Docket No. 129).

For the reasons stated in the accompanying Memorandum, Plaintiff's Motion for Partial Summary Judgment (Docket No. 106) is GRANTED; Plaintiff's Motion for Expenses and Attorneys Fees (Docket No. 106) is GRANTED in part and DENIED in part; and Plaintiff's Motion to Strike Continental's Response to Statement of Undisputed Facts and to Accept the Facts Stated as Undisputed (Docket No. 129) is DENIED as moot.

The Court finds that Defendant Fitzgerald was "disqualified" from operating a commercial motor vehicle (a) at the time Continental offered him a job on or about July 1, 2004, (b) at the time Continental hired him on or about July 9, 2004, and (c) at the time of the crash on July 19, 2004.

The calculation of the amount of attorneys' fees and expenses owed is referred to the Magistrate Judge for a Report and Recommendation.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE